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(Original Signature of Member)

112TH CONGRESS
1ST SESSION

H. R. _____

To amend title 49, United States Code, concerning approval of applications for the airport security screening opt-out program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. KING of New York introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 49, United States Code, concerning approval of applications for the airport security screening opt-out program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Security Enhancement
5 and Jobs Act of 2011”.

1 **SEC. 2. PERIOD FOR RESOLVING APPLICATIONS SUB-**
2 **MITTED TO THE TRANSPORTATION SECURITY**
3 **ADMINISTRATION FOR THE AIRPORT SECU-**
4 **RITY SCREENING OPT-OUT PROGRAM.**

5 (a) IN GENERAL.—Section 44920(b) of title 49,
6 United States Code, is amended to read as follows:

7 “(b) APPROVAL OF APPLICATIONS.—

8 “(1) IN GENERAL.—Not later than 120 days
9 after the date of receipt of an application submitted
10 by an airport operator under subsection (a), the Sec-
11 retary shall approve or deny the application.

12 “(2) STANDARDS.—The Secretary shall approve
13 an application submitted by an airport operator
14 under subsection (a) unless the Secretary determines
15 that the approval would compromise security, det-
16 rimentally affect the efficiency or effectiveness of the
17 screening of passengers on the property at the air-
18 port, or otherwise adversely affect the mission of the
19 Transportation Security Administration.

20 “(3) REPORTS ON DENIALS OF APPLICA-
21 TIONS.—

22 “(A) IN GENERAL.—If the Secretary de-
23 nies an application submitted by an airport op-
24 erator under subsection (a), the Secretary shall
25 provide to the airport operator a written report
26 that sets forth—

1 “(i) the findings that served as the
2 basis for the denial;

3 “(ii) the results of any cost or security
4 analysis conducted in considering the ap-
5 plication; and

6 “(iii) recommendations on how the
7 airport operator can address the reasons
8 for the denial.

9 “(B) SUBMISSION TO CONGRESS.—The
10 Secretary shall submit to the Committee on
11 Commerce, Science, and Transportation of the
12 Senate and the Committee on Homeland Secu-
13 rity of the House of Representatives a copy of
14 any report provided to an airport operator
15 under subparagraph (A).

16 “(4) APPROVED APPLICATIONS.—

17 “(A) LIST OF QUALIFIED PRIVATE
18 SCREENING COMPANIES.—Not later than 60
19 days after the date the Secretary approves an
20 application submitted by an airport operator
21 under subsection (a), the Secretary shall pro-
22 vide to the airport operator a list of qualified
23 private screening companies (as described in
24 subsection (c)), except that this subparagraph
25 shall not apply in a case in which the airport

1 operator is competing to provide screening serv-
2 ices at the airport.

3 “(B) CONSIDERATION OF AIRPORT OPER-
4 ATOR’S RECOMMENDATIONS.—In selecting a
5 private screening company to provide screening
6 services at an airport, the Secretary shall take
7 into consideration any recommendation from
8 the airport operator as to which company would
9 best serve the security screening and passenger
10 needs of the airport.”.

11 (b) DELEGATION OF AUTHORITY.—Section 44920 of
12 such title is amended by adding at the end the following:

13 “(h) DELEGATION OF AUTHORITY.—The Secretary
14 may carry out this section acting through the Assistant
15 Secretary of Homeland Security (Transportation Security
16 Administration).”.

17 (c) RECONSIDERATION OF APPLICATIONS PENDING
18 AS OF JANUARY 1, 2011.—

19 (1) IN GENERAL.—Not later than 30 days after
20 the date of enactment of this Act, the Secretary of
21 Homeland Security shall reconsider any application
22 for the screening of passengers and property that—

23 (A) was submitted by the operator of an
24 airport pursuant to section 44920(a) of such
25 title;

1 (B) was pending for final decision by the
2 Secretary as of January 1, 2011; and

3 (C) has not been approved by the Sec-
4 retary on or before such date of enactment.

5 (2) NOTICE TO AIRPORT OPERATORS.—The
6 Secretary shall provide written notice to the operator
7 of an airport that submitted an application to be re-
8 considered under paragraph (1). The notice shall—

9 (A) inform the operator that the Secretary
10 will reconsider the application;

11 (B) if the application was initially denied,
12 advise the operator of the findings that served
13 as the basis for the denial; and

14 (C) request the operator to provide the
15 Secretary with such additional information as
16 the Secretary determines necessary to recon-
17 sider the application.

18 (3) DEADLINE; STANDARDS.—The Secretary
19 shall approve or deny an application to be reconsid-
20 ered under paragraph (1) on or before the last day
21 of the 120-day period beginning on the date of en-
22 actment of this Act. The Secretary shall apply the
23 standards set forth in section 44920(b) of such title
24 (as amended by this section) in approving and deny-
25 ing such applications.

1 (4) DEEMED APPROVAL.—If the Secretary does
2 not approve or deny an application to be reconsid-
3 ered under paragraph (1) on or before the last day
4 of the 120-day period referred to in paragraph (3),
5 the application shall be deemed approved.

6 (5) REPORTS ON DENIALS OF APPLICATIONS.—

7 (A) IN GENERAL.—If the Secretary denies
8 an application of an airport operator following
9 reconsideration under this subsection, the Sec-
10 retary shall provide to the airport operator a
11 written report that sets forth—

12 (i) the findings that served as the
13 basis for the denial;

14 (ii) the results of any cost or security
15 analysis conducted in considering the ap-
16 plication; and

17 (iii) recommendations on how the air-
18 port operator can address the reasons for
19 the denial.

20 (B) SUBMISSION TO CONGRESS.—The Sec-
21 retary shall submit to the Committee on Com-
22 merce, Science, and Transportation of the Sen-
23 ate and the Committee on Homeland Security
24 of the House of Representatives a copy of any

1 report provided to an airport operator under
2 subparagraph (A).

3 (d) REFERENCES TO UNDER SECRETARY.—Section
4 44920 of such title is amended—

5 (1) in subsection (a) by striking “Under Sec-
6 retary” the first place it appears and inserting “Sec-
7 retary of Homeland Security”;

8 (2) by striking “Under Secretary” each place it
9 appears and inserting “Secretary”; and

10 (3) in subsection (g) by striking “of Homeland
11 Security” each place it appears.